



TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

Docket Number (Optional)

RECE 45568-00040

In re Application of: Miller et al.

SEP 20 2004

Application No.: 10/083,024

Technology Center 2600

Filed: February 26, 2002

For: METHOD AND SYSTEM FOR EXTERNAL ASSESSMENT OF HEARING AIDS THAT INCLUDE
IMPLANTED ACTUATORS

The owner*, Otologics LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. xxxxxxxx 6,712,754. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. The undersigned is an attorney or agent of record.

09/17/2004 HLE333 0000072 10083024

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02 FC:2814 55.00 OP

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